

that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.  
THE WHITE HOUSE, June 17, 2005.

#### MESSAGE FROM THE HOUSE

At 3:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2745. An act to reform the United Nations, and for other purposes.

#### ENROLLED BILL SIGNED

The message further announced that the Speaker of the House of Representatives has signed the following enrolled bill:

H.R. 483. An act to designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse".

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2745. An act to reform the United Nations, and for other purposes.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on June 17, 2005, she had presented to the President of the United States the following enrolled bill:

S 643. An act to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-111. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to Social Security reform; to the Committee on Finance.

#### SENATE CONCURRENT RESOLUTION NO. 76

Whereas, Social Security is our country's most important and successful income protection program and provides economic security to workers, retirees, persons with disabilities, and the surviving spouses and keiki of deceased workers; and

Whereas, Social Security provides essential benefits to over 195,000 people in Hawaii, including 139,300 retired workers, 16,090 widows and widowers, 16,790 disabled workers and 13,630 children; and

Whereas, Social Security has reduced the poverty rate of our kupuna from over thirty per cent down to 10.2 per cent in the last forty years, and without Social Security, thirty-four per cent of elderly women in Hawaii would be poor; and

Whereas, six out of ten of today's beneficiaries derive more than half of their income from Social Security, and in most low-income households of retirement age, Social Security represents eighty per cent or more of their retirement income; and

Whereas, the Social Security Trust Fund is large enough to pay one hundred per cent of promised benefits until 2042, and after that, seventy-three per cent of benefits could still be paid; and

Whereas, proposals are being considered in Washington, D.C. that would privatize Social Security and threaten the retirement security of millions of Americans and their families; and

Whereas, diverting more than one-third of the 6.2 per cent of wages that workers currently contribute to Social Security into private accounts drains money from Social Security and will cut guaranteed benefits; and

Whereas, diverting money from Social Security will increase the national debt by almost \$2 trillion over the next ten years—a debt that will be passed on to future generations; and

Whereas, privatization is particularly harmful to women and minorities who rely most on Social Security by replacing a portion of a secure benefit with investment risk—a risk that they cannot afford; and

Whereas, widows would experience enormous cuts under privatization—reducing their Social Security from \$829 to \$456 per month, which is only sixty-three per cent of the poverty level, even when proceeds from private accounts are included in the total; and

Whereas, private accounts do not provide the lifetime, inflation-adjusted benefit that Social Security does, and they can be depleted by long life and market fluctuation; and

Whereas, Social Security needs to be strengthened now for our children and grandchildren, but the solution should not be worse than the problem; and

Whereas, the Social Security System also needs to be changed sensibly in order to honor obligations to future generations: Now, therefore, be it

*Resolved*, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the House of Representatives concurring, That the Hawaii State Legislature opposes the privatization of Social Security and urges Hawaii's congressional delegation to reject such proposed changes to the Social Security System; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of Hawaii's congressional delegation.

POM-112. A resolution adopted by the House of Representatives of the Legislature

of the State of Hawaii relative to the privatization of Social Security; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 100

Whereas, people throughout human history have faced uncertainties, especially those uncertainties brought on by death, disability, and old age; and

Whereas, prior to the turn of the twentieth century, the majority of individuals living in the United States lived and worked on farms, relying in part on immediate and extended family, friends, and neighbors to provide them with economic and social security; and

Whereas, as the United States moved through the Industrial Revolution and became an industrial power, increasing numbers of individuals began moving to the cities and suburbs where employment opportunities abounded; and

Whereas, this migration from the farmlands to the industrial centers of the United States reduced the degree to which a person's immediate and extended family and neighbors could augment the economic security of those living in the cities and suburbs; and

Whereas, with the stock market crash in 1929 and the beginning of the Great Depression, the United States found its economy in crisis and individuals in this country, especially elder Americans, were faced with economic hardships never before seen; and

Whereas, in an address to Congress on June 8, 1934, President Franklin Delano Roosevelt stating that he intended to provide a program for the social security of Americans, subsequently created, by Executive Order, the Committee on Economic Security (Committee), with instructions to study the problem of economic insecurity and make recommendations for legislative consideration; and

Whereas, in 1935, six months after its establishment, the Committee made its report to the President and Congress, who after deliberations and compromise, enacted the Social Security Act of 1935, which created a social insurance program designed to pay retirees age 65 or older a continuing income after retirement, and to keep these retirees out of poverty; and

Whereas, Social Security taxes were collected for the first time in 1937, with initial lump-sum payments being made that first month and regular monthly benefit payments being made beginning in January, 1940; and

Whereas, today, Social Security provides a guaranteed income for more than 147 million retirees, family members of workers who have died, and persons with disabilities; and

Whereas, Social Security beneficiaries earn their benefits by paying into the system throughout their years of employment, and currently serves as the main source of income for a majority of retirees, with over two-thirds of retirees currently dependent on Social Security for financial survival; and

Whereas, for the past 70 years Social Security has remained solvent and has been able to pay benefits to millions of Americans with few adjustments; and

Whereas, although the Social Security trustees state that in its present form, Social Security has enough funds in its reserve to be able to meet 100 percent of its obligations until 2042 and, there is concern over the solvency of the current Social Security system and whether it will be able to pay benefits for the millions of Americans scheduled to retire over the next decade; and

Whereas, individuals who support efforts to reform Social Security are currently reviewing a three-prong approach including raising of the retirement age, increasing the maximum annual earnings subject to Social Security tax, and allowing the establishment of voluntary private investment accounts; and

Whereas, the current focus on the national level has been the establishment of private investment accounts to allow taxpayers to put a portion of their social security tax into stocks, bonds, and other investments that may pay them a higher return and increase their retirement benefits; and

Whereas, contrary to the original purpose of Social Security, which established a comprehensive and secure safety net to keep retirees out of poverty, private investment accounts may result in Social Security beneficiaries with poor returns on their investments to fall through the cracks of the system; and

Whereas, the costs of transitioning to this system of private investment accounts may effectively scuttle the current Social Security system; and

Whereas, it has been estimated that transitioning to a system of private investment accounts will generate costs as high as \$2-\$3 trillion, which will degrade any investment earnings of these private accounts; and

Whereas, diverting a portion of Social Security money to private accounts will leave fewer dollars available to pay Social Security benefits, and reduce system reserves and the cash on hand to pay beneficiaries; and

Whereas, it has further been estimated that by allowing for the establishment of private investment accounts, the current Social Security trust fund reserves could be wiped out by 2021, a full 20 years sooner than if the system had been left alone; and

Whereas, arguments have also been made that the way to "fix" Social Security is not to change the system and its purpose, but rather to help individuals establish their own private pensions and retirement savings accounts such as Individual Retirement Accounts, to supplement the guaranteed benefit of Social Security; and

Whereas, with the myriad of difficult choices to be made to keep the Social Security system solvent, and given the fact that the Social Security system will still be solvent for a good number of years, the issue of strengthening Social Security and making any changes or adjustments to the system should be carefully studied and planned to ensure that future generations will be provided the retirement security received by past generations; now, therefore, be it

*Resolved*, by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, that this body hereby urges President George W. Bush to reconsider his plans to hurriedly enter into a Social Security privatization plan; and be it further

*Resolved*, that this body also urges President George W. Bush to carefully study the effects that privatization may have on the basic purpose of Social Security, and on the welfare of current and future beneficiaries, and to consider privatization within a comprehensive review of alternative methods of adjusting Social Security, such as raising the retirement age, increasing the maximum annual earnings subject to Social Security tax, and helping more individuals establish supplementary private pension and retirement savings accounts; and be it further

*Resolved*, that certified copies of this Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of Hawaii's congressional delegation, and the Governor.

POM-113. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the privatization of Social Security; to the Committee on Finance.

## HOUSE RESOLUTION 3

Whereas, demographic changes and cost increases will drain the existing Social Security system;

Whereas, without significant changes to the system, costs will exceed revenues starting in 2018 and the system may not be able to pay any benefits by 2042;

Whereas, anyone born after the year 1970 will not receive full Social Security benefits if changes are not made to the system;

Whereas, not reforming the system will require a tax increase on every working American or a benefit cut; and

Whereas, allowing younger workers to invest a portion of their income in personal retirement accounts will avoid any benefit cuts or tax increases; Now, therefore, be it

*Resolved*, that the House of Representatives of the State of Utah urges Utah's congressional delegation to oppose increases in payroll taxes and cuts in Social Security benefits; and be it further

*Resolved*, that the House of Representatives urges Utah's congressional delegation to support optional Social Security Personal Retirement Accounts; and be it further

*Resolved*, that a copy of this resolution be sent to the members of Utah's congressional delegation.

POM-114. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the United States entering into a Free Trade Area of the Americas; to the Committee on Finance.

## HOUSE RESOLUTION 9

Whereas, the United States of America has always been the world leader in pushing for free trade, which is a hallmark of our capitalistic society;

Whereas, free trade only thrives where there is a level playing field of government regulations between trading partners;

Whereas, the 1993 North American Free Trade Agreement (NAFTA) was supposed to bring additional prosperity to the United States and level the playing field with Canada and Mexico, thus perpetuating free trade between our nations;

Whereas, notwithstanding the good intentions of NAFTA, our nation has suffered the loss of almost 900,000 jobs due to NAFTA, many of them coming in the manufacturing sector;

Whereas, manufacturing jobs in the United States have plunged from 19.3 million in 1980 to only about 14.6 million today, in large part because of these types of trade issues;

Whereas, the United States has gone from a trade surplus with Mexico prior to NAFTA to a substantial trade deficit;

Whereas, the United States is a current member of the World Trade Organization (WTO), which has been called "The United Nations of World Trade";

Whereas, the United States consistently bows to the wishes of the WTO, only proving the words of Texas Congressman Ron Paul to be prophetic: "The most important reason why we should get out [of the WTO] is to maintain our nation's sovereignty. We should never deliver to any international governing body the authority to dictate what our laws should be. And this is precisely the kind of power that has been given to the WTO.";

Whereas, both the WTO and NAFTA, through the use of trade tribunals, now claim the sovereign authority to overrule decisions of American courts and make awards to foreign businesses for violations of trade agreements;

Whereas, Abner Mikva, a former chief judge on the federal appellate bench and a former congressman, has stated: "If Congress had known there was anything like this in

NAFTA, they never would have voted for it.";

Whereas, the United States is considering entering into a new 34-member Free Trade Area of the Americas (FTAA) in 2005; and

Whereas, based upon the experience that the United States has had with NAFTA and the WTO, United States membership in the planned FTAA would increase manufacturing flight in the state of Utah and throughout the United States; Now, therefore, be it

*Resolved*, that House of Representatives of the state of Utah respectfully but firmly urges all members of the United States Congress to vote no on any agreement for the United States to enter into a Free Trade Area of the Americas (FTAA); and be it further

*Resolved*, that the House of Representatives of the state of Utah urges the United States Congress to not enter into the FTAA until the United States has had more experience with and a greater understanding of the impacts of NAFTA and the World Trade Organization (WTO); and be it further

*Resolved*, that a copy of this resolution be sent to the Majority Leader of the United States Senate, Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the World Trade Organization (WTO), and the Free Trade Area of the Americas (FTAA).

POM-115. A joint resolution adopted by the House of the Legislature of the State of Utah relative to United States trade negotiations; to the Committee on Finance.

## HOUSE JOINT RESOLUTION

Whereas, although the United States Constitution places the regulation of trade with foreign countries within the prerogative of the Federal Government, the primary responsibility for protecting public health, welfare, and safety is left to the states;

Whereas, the United States Congress has consistently recognized, respected, and preserved the states' power to protect the health, welfare, and environments of their states and their citizens in a variety of statutes, such as the Clean Air Act, Clean Water Act, and Safe Drinking Water Act;

Whereas, it is vital that the Federal Government not agree to proposals in the current negotiations on trade in services that might in any way preempt or undercut this reserved state authority;

Whereas, proposed changes should not, in the name of promoting increased international trade, accord insufficient regard for existing regulatory, tax and subsidy policies, and the social, economic, and environmental values those policies promote;

Whereas, statutes and regulations that the states and local governments have validly adopted, that are plainly constitutional and within their province to adopt, and that reflect locally appropriate responses to the needs of their citizens, should not be overridden by federal decisions solely in the interests of increased trade;

Whereas, states are concerned about retaining a proper scope for state regulatory authority in actual commitments in agreements with one or more United States' trading partners;

Whereas, it is crucial to maintain the principle that the United States may request, but not require, states to alter their regulatory regimes in areas over which they hold constitutional authority;

Whereas, if the United States makes broader offers later in the negotiations and the legislation is "fast tracked," there will be little opportunity for states to have improper positions reversed;

Whereas, it is critical that there be full and effective coordination and consultation

with the states before the United States Trade Representative (USTR) makes any binding commitments;

Whereas, while the State Point of Contact system was meant to create a clearly marked channel for two-way communications, the reality has not lived up to those intentions;

Whereas, a broader and deeper range of contacts with a variety of state entities, particularly with those bearing regulatory and legislative authority, must be improved and maintained over the next several years;

Whereas, it is important for state authorities to engage with the USTR in the communications process and to respond to timely requests in any equally timely manner;

Whereas, as negotiations with other nations continue, they should also be conducted in ways that will avoid litigation in world courts;

Whereas, the United States is the signatory to the World Trade Organization's General Agreement on Trade in Services (GATS);

Whereas, the United States Trade Representative has published proposals that would apply trade rules under GATS to regulation of electricity by state and local governments;

Whereas, these proposals would cover regulation of services related to transmission, distribution, and access of energy traders to the grid and, if implemented, might conflict with state energy policy and alter the balance of domestic authority between states and the Federal Energy Regulatory Commission (FERC);

Whereas, concerns include the impact of market access rules on the structure of Regional Transmission Organization (RTO), state jurisdiction over utilities that are part of an RTO, RTO contracts for reliability of the electricity grid, and potential roles for the RTO to structure or facilitate wholesale trade and brokering services;

Whereas, another question is the impact national treatment rules may have on tax incentives to produce wind energy, and market access rules that may impact renewable portfolio standards that mandate minimum quotas for acquisition from renewable sources;

Whereas, another question is the impact that GATS rules on domestic regulation may have on rate setting and the public interest standard for exercising regulatory authority by state public utility commissions; and

Whereas, in early 2004, a working group of state and local officials consulted three times with staff of the USTR who described the meeting as timely, productive, and unprecedented; Now, therefore, be it

*Resolved*, that the Legislature of the state of Utah urges the United States Trade Representative to conduct trade negotiations in a manner that will preserve the responsibility of states to develop their own regulatory structures and that will avoid litigation in world courts, and be it further

*Resolved*, that the Legislature of the state of Utah urges the USTR to take further steps to enhance the level of consultation before negotiations commence on any trade commitments under the World Trade Organization's General Agreement on Trade in Services (GATS); and be it further

*Resolved*, that the Legislature of the state of Utah commends the USTR staff for its willingness to consult with the working group and learn about the potential impact of GATS rules on state and local regulation of the energy sector; and be it further

*Resolved*, that the Legislature urges the USTR to disclose to the public the United States' requests for GATS commitments from other nations, and be it further

*Resolved*, that the Legislature urges the USTR to give prior notice of the next United

States' offer or counter offer for GATS commitments so that state and local governments have time to discuss its potential impact; and be it further

*Resolved*, that the Legislature urges the USTR to participate in public discussions of trade policy and energy; and be it further

*Resolved*, that a copy of this resolution be sent to the United States Senate Finance Committee, the House Ways and Means Committee, the Senate Subcommittee on International Trade, the House Subcommittee on Trade, the Secretary of the Department of Energy, the United States Trade Representative, the National Association of Attorneys General, the National Conference of State Legislatures, the President of the United States, and Utah's Congressional delegation.

POM-116. A resolution adopted by the Senate of the Legislature of the State of Utah relative to the United States entering into a Free Trade Area of the Americas; to the Committee on Finance.

#### SENATE RESOLUTION 1

Whereas, the United States of America has always been the world leader in pushing for free trade, which is a hallmark of our capitalistic society;

Whereas, free trade only thrives where there is a level playing field of government regulations between trading partners;

Whereas, the 1993 North American Free Trade Agreement (NAFTA) was supposed to bring additional prosperity to the United States and level the playing field with Canada and Mexico, thus perpetuating free trade between our nations;

Whereas, notwithstanding the good intentions of NAFTA, our nation has suffered the loss of almost 900,000 jobs due to NAFTA, many of them coming in the manufacturing sector;

Whereas, manufacturing jobs in the United States have plunged from 19.3 million in 1980 to only about 14.6 million today, in large part because of these types of trade issues;

Whereas, the United States has gone from a trade surplus with Mexico prior to NAFTA to a substantial trade deficit;

Whereas, the United States is a current member of the World Trade Organization (WTO), which has been called "The United Nations of World Trade";

Whereas, the United States consistently bows to the wishes of the WTO, only proving the words of Texas Congressman Ron Paul to be prophetic: "The most important reason why we should get out [of the WTO] is to maintain our nation's sovereignty. We should never deliver to any international governing body the authority to dictate what our laws should be. And this is precisely the kind of power that has been given to the WTO";

Whereas, both the WTO and NAFTA, through the use of trade tribunals, now claim the sovereign authority to overrule decisions of American courts and make awards to foreign businesses for violations of trade agreements;

Whereas, Abner Mikva, a former chief judge on the federal appellate bench and a former congressman, has stated: "If Congress had known there was anything like this in NAFTA, they never would have voted for it";

Whereas, the United States is considering entering into a new 34-member Free Trade Area of the Americas (FTAA) in 2005; and

Whereas, based upon the experience that the United States has had with NAFTA and the WTO, United States membership in the planned FTAA would increase manufacturing flight in the state of Utah and throughout the United States: Now, therefore, be it

*Resolved*, that the Senate of the state of Utah respectfully but firmly urges all mem-

bers of the United States Congress to vote no on any agreement for the United States to enter into a Free Trade Area of the Americas (FTAA) at this time; and be it further

*Resolved*, that the Senate of the state of Utah urges the United States Congress to not enter into the FTAA until the United States has had more experience and greater understanding of the impacts of NAFTA and the World Trade Organization (WTO); and be it further

*Resolved*, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the World Trade Organization (WTO), and the Free Trade Area of the Americas (FTAA).

POM-117. A joint resolution adopted by the Legislature of the State of Utah relative to Medicaid reform; to the Committee on Finance.

#### SENATE JOINT RESOLUTION 15

Whereas, the Medicaid program provides access to health care for Utah's most vulnerable citizens, including low-income children, parents, pregnant women, people with disabilities, and senior citizens;

Whereas, growth in Medicaid spending per capita has remained relatively low when compared to private health insurance premiums;

Whereas, current federal and state Medicaid expenditures are growing at a rate of 12% per year and averaging almost 22% of states' annual budgets primarily because of the recent economic downturn, rising health care costs, and an increase in the aging population; and

Whereas, new funding challenges for state government will become more acute as states absorb new costs to help implement the Medicaid Modernization Act: Now, therefore, be it

*Resolved*, that the Legislature of the state of Utah urges the United States Congress to reject any budget reduction and budget reconciliation process for fiscal year 2006 related to Medicaid reform that would shift additional costs to the states; and be it further

*Resolved*, that the Legislature urges the United States Congress to reject any cap on federal funding for the Medicaid program, whether in the form of an allotment, an allocation, or a block grant; and be it further

*Resolved*, that the Legislature urges the United States Congress to work with state policymakers to enact reforms that will result in Medicaid cost savings for both the states and the Federal Government; and be it further

*Resolved* that the Legislature urges the United States Congress to establish a benefits program for the "dual eligible" population, people eligible for both Medicaid and Medicare, that would be 100% funded by Medicare instead of Medicaid; and be it further

*Resolved*, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-118. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to Medicare and Medicaid services and benefits; to the Committee on Finance.

#### SENATE RESOLUTION NO. 22

Whereas, Medicaid is a program that pays for medical assistance for certain individuals and families with low incomes and resources; and

Whereas, the Medicaid program is a critical source of support for people with mental illness; and

Whereas, according to the Department of Human Services, Medicaid is the single largest source of financing for mental health care and encompasses over half of state and local spending on mental health services; and

Whereas, the federal government is planning to reduce Medicaid funding due to federal budget shortfalls; and

Whereas, additional cuts in federal Medicaid funding will mean fewer low-income people will receive mental health services; and

Whereas, more restrictions will be applied to the services that are available; and

Whereas, any reduction in benefits or the level of benefits by the federal government would place more burden on the State of Hawaii to make up for the cutback; and

Whereas, limiting Medicaid services would not reduce costs, but would transfer them to already overburdened hospital emergency rooms or criminal justice systems; and

Whereas, under current law, emergency rooms cannot turn away someone in crises, and emergency care is one of the most expensive types of health care and far more costly than routine mental health treatment; and

Whereas, individuals unable to receive suitable mental health treatment often end up in the criminal justice system, increasing legal and prison costs in a system that is neither designed nor capable of meeting their needs; now, therefore, be it

*Resolved*, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, that the President of the United States, the United States Congress and Centers for Medicare and Medicaid Services are urged to preserve the amount of Medicaid coverages and the amount of benefits; and be it further

*Resolved*, that certified copies of this Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Director of Centers for Medicare and Medicaid Services, and the members of Hawaii's congressional delegation.

POM-119. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to Medicare and Medicaid services and benefits; to the Committee on Finance.

#### SENATE CONCURRENT RESOLUTION NO. 44

Whereas, Medicaid is a program that pays for medical assistance for certain individuals and families with low incomes and resources; and

Whereas, the Medicaid program is a critical source of support for people with mental illness; and

Whereas, according to the Department of Human Services, Medicaid is the single largest source of financing for mental health care and encompasses over half of state and local spending on mental health services; and

Whereas, the federal government is planning to reduce Medicaid funding due to federal budget shortfalls; and

Whereas, additional cuts in federal Medicaid funding will mean fewer low-income people will receive mental health services; and

Whereas, more restrictions will be applied to the services that are available; and

Whereas, any reduction in benefits or the level of benefits by the federal government would place more burden on the State of Hawaii to make up for the cutback; and

Whereas, limiting Medicaid services would not reduce costs, but would transfer them to already overburdened hospital emergency rooms or criminal justice systems; and

Whereas, under current law, emergency rooms cannot turn away someone in crises,

and emergency care is one of the most expensive types of health care and far more costly than routine mental health treatment; and

Whereas, individuals unable to receive suitable mental health treatment often end up in the criminal justice system, increasing legal and prison costs in a system that is neither designed nor capable of meeting their needs; Now, therefore, be it

*Resolved*, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the House of Representatives concurring, that the President of the United States, the United States Congress and Centers for Medicare and Medicaid Services are urged to preserve the amount of Medicaid coverages and the amount of benefits; and be it further

*Resolved*, that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Director of Centers for Medicare and Medicaid Services, and the members of Hawaii's congressional delegation.

POM-120. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to national park status for the Kawaiui Marsh Complex; to the Committee on Energy and Natural Resources.

#### SENATE RESOLUTION NO. 51

Whereas, the Convention on Wetlands was signed on February 2, 1971 in Ramsar, Iran; and

Whereas, in 1987, the United States joined the Ramsar Convention, an international treaty that aims at halting the worldwide loss of wetlands and to conserve those that remain; and

Whereas, the treaty's one hundred forty-four contracting parties have designated one thousand four hundred four wetlands sites totaling more than three hundred million acres for inclusion in the Ramsar List of Wetlands of International Importance; and

Whereas, despite the great value of wetlands, they have been shrinking worldwide, including in the United States; and

Whereas, on Earth Day 2004, President George W. Bush announced an aggressive new national initiative to create, improve, and protect at least three million wetland acres over the next five years in order to increase overall wetland acreage and quality; and

Whereas, wetlands are a source of water, food, recreation, transportation, and, in some places, are part of the local religious and cultural heritage. They provide groundwater replenishment, benefiting inhabitants of entire watersheds; and

Whereas, wetlands play a vital role in storm and flood protection and water filtration. In addition, they provide a rich feeding ground for migratory birds, fish, and other animals; and

Whereas, the United States designated three new Ramsar sites last month: the two thousand five hundred-acre Tijuana River National Estuarine Research Reserve in San Diego County, California; the one hundred sixty thousand-acre Grassland Ecological Area in western Merced County, California; and the one thousand-acre Kawaiui and Hamakua Marsh Complex located on the northeast coast of the island of Oahu; and

Whereas, these additional sites bring the total number of United States Ramsar sites to twenty-two, covering nearly 3.2 million acres; Now, therefore, be it

*Resolved*, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, that the State of Hawaii's elected Representatives and Senators in the United States Congress are respect-

fully requested to support, work to pass, and vote for National Park protection for the one thousand-acre Kawaiui and Hamakua Marsh Complex located on the northeast coast of the island of Oahu; and be it further

*Resolved*, that certified copies of this Senate Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the State of Hawaii's Congressional Delegation.

POM-121. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the participation of Taiwan in the World Health Organization; to the Committee on Foreign Relations.

#### HOUSE RESOLUTION 10

Whereas, the World Health Organization's (WHO) Constitution states that "The objective of the World Health Organization shall be the attainment by all peoples of the highest possible level of health";

Whereas, this position demonstrates that the WHO is obligated to reach all peoples throughout the world, regardless of state or national boundaries;

Whereas, the WHO Constitution permits a wide variety of entities, including non-member states, international organizations, national organizations, and nongovernmental organizations, to participate in the activities of the WHO;

Whereas, five entities, for example, have acquired the status of observer of the World Health Assembly (WHA) and are routinely invited to its assemblies;

Whereas, both the WHO Constitution and the International Covenant of Economic, Social, and Cultural Rights (ICESCR) declare that health is an essential element of human rights and that no signatory shall impede on the health rights of others;

Whereas, Taiwan seeks to be invited to participate in the work of the WHA simply as an observer, instead of as a full member, in order to allow the work of the WHO to proceed without creating political frictions and to demonstrate Taiwan's willingness to put aside political controversies for the common good of global health;

Whereas, this request is fundamentally based on professional health grounds and has nothing to do with the political issues of sovereignty and statehood;

Whereas, Taiwan currently participates as a full member in organizations like the World Trade Organization (WTO), Asia-Pacific Economic Cooperation (APEC), and several other international organizations that count the People's Republic of China among their membership;

Whereas, Taiwan has become an asset to all these institutions because of a flexible interpretation of the terms of membership;

Whereas, closing the gap between the WHO and Taiwan is an urgent global health imperative;

Whereas, the health administration of Taiwan is the only competent body possessing and managing all the information on any outbreak in Taiwan of epidemics that could potentially threaten global health;

Whereas, excluding Taiwan from the WHO's Global Outbreak Alert and Response Network (GOARN), for example, is dangerous and self defeating from a professional perspective;

Whereas, good health is a basic right for every citizen of the world and access to the highest standard of health information and services is necessary to help guarantee this right;

Whereas, direct and unobstructed participation in international health cooperation

forms and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases through increased trade and travel;

Whereas, the WHO sets forth in the first chapter of its charter the objectives of attaining the highest possible level of health for all people;

Whereas, Taiwan's population of 23 million people is larger than that of three quarters of the member states already in the WHO who shares the noble goals of the organization;

Whereas, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those in western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first country in the world to provide children with free hepatitis B vaccinations;

Whereas, Taiwan is not allowed to participate in any WHO-organized forums and workshops concerning the latest technologies in the diagnosis, monitoring, and control of diseases;

Whereas, in recent years both the Taiwanese Government and individual Taiwanese experts have expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but have ultimately been unable to render assistance;

Whereas, the WHO does allow observers to participate in the activities of the organization; and

Whereas, in light of all the benefits that participation could bring to the state of health of people not only in Taiwan, but also regionally and globally it seems appropriate, if not imperative, for Taiwan to be involved with the WHO: Now, therefore, be it

*Resolved*, that the House of Representatives of the state of Utah urges the Bush Administration to support Taiwan and its 23 million people in obtaining appropriate and meaningful participation in the World Health Organization (WHO); and be it further

*Resolved*, that the House of Representatives urges that United States' policy should include the pursuit of some initiative in the WHO which would give Taiwan meaningful participation in a manner that is consistent with the organization's requirements; and be it further

*Resolved*, that a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary of Health and Human Services, the majority leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the Government of Taiwan, and the World Health Organization.

POM-122. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting the government and the people of the Republic of Kiribati in their efforts to address war reparations; to the Committee on Foreign Relations.

#### HOUSE CONCURRENT RESOLUTION NO. 62

Whereas, two days after the Japanese raid on Pearl Harbor, Japanese aircraft bombed the Republic of Kiribati, formerly known as the Gilbert Islands, including Banaba, and later reconnaissance parties landed on Tarawa and Butaritari; and

Whereas, in 1942, Japanese armed forces occupied the Republic of Kiribati; and

Whereas, American forces invaded Tarawa in late 1943 and drove the Japanese from most of the Gilbert Islands; and

Whereas, Banaba was not reoccupied by American forces until 1945, by which time the Japanese had massacred all but one man of the imported labor force; and

Whereas, native inhabitants of Banaba, the Banabans, had been deported to Nauru and Kosrae (Caroline Islands) and after their rescue, Banabans elected to live on Rabi Island, Fiji, which had earlier been bought for them; and

Whereas, the people of Kiribati suffered tremendous atrocities and losses as a result of the occupation of the island by Japanese armed forces during World War II; and

Whereas, many people of Kiribati were not given the opportunity during the aftermath of World War II to file a war reparations claim; and

Whereas, after sixty years, the people of Kiribati deserve to have a final resolution on the long-awaited issue of war reparations and due recognition for their heroic sacrifices and struggle during the Japanese occupation; and

Whereas, the member nations of the Association of Pacific Island Legislatures recognize the sacrifice and suffering of the people of the Republic of Kiribati and the injustice further inflicted upon them due to the lack of resolution by the governments of Japan and the United States to address war reparations for the people of the Republic of Kiribati: Now, therefore, be it

*Resolved*, by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, that the Legislature of the State of Hawaii strongly supports the government and the people of the Republic of Kiribati in their efforts to address war reparations; and be it further

*Resolved*, that certified copies of this Concurrent Resolution be transmitted to the President of the United States through the Secretary of State, the President of the United States Senate, the Speaker of the United States House of Representatives, the Prime Minister of Japan through the Consulate General of Japan in Honolulu, the President of the Republic of Kiribati through the Consulate of the Republic of Kiribati in Honolulu, the President of the Association of Pacific Island Legislatures, and the members of Hawaii's congressional delegation.

POM-123. A joint resolution adopted by the Legislature of the State of Nevada relative to the Community Services Block Grant Program; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE JOINT RESOLUTION NO. 13

Whereas, The Community Services Block Grant program, administered by the Department of Health and Human Services, was created by the federal Omnibus Budget Reconciliation Act of 1981 and is designed to provide a range of services to address the needs of low-income persons to ameliorate the causes and conditions of poverty; and

Whereas, The money allocated by the program is used to provide services that assist such persons in attaining the skills, knowledge and motivation necessary to achieve self-sufficiency and may also be used to provide the immediate necessities of life such as food, shelter and medicine; and

Whereas, Throughout the nation, local governments have created more than 1,080 Community Action Agencies as public or private entities to channel the money provided by the Community Services Block Grant program into communities to coordinate resources and empower communities in rural and urban areas; and

Whereas, In Nevada, each dollar received by Community Action Agencies leverages at least \$19 brought in from other sources, and this money is reinvested in the business communities of Nevada, thus enhancing the economic vitality as well as the social fabric of the entire State; and

Whereas, Using money provided by the Community Services Block Grant program, Community Action Agencies in this State not only assist low-income persons in obtaining employment, training, education, including participation in Head Start, energy assistance, senior services, and health and nutrition benefits, but the Agencies also acquire the infrastructure to develop affordable housing projects, assist first-time home buyers in paying down-payment and closing costs, and help senior citizens repair their homes; and

Whereas, When such activities relating to housing are considered, the leverage for each federal dollar received by the State of Nevada increases up to \$29; and

Whereas, The proposed federal budget for Fiscal Year 2006 recommends the elimination of the Community Services Block Grant program; and

Whereas, The elimination of the program would negatively impact not only the residents of Nevada but citizens all across the United States and would significantly hinder the ability of Community Action Agencies and other businesses to improve the economic viability of families and businesses, hurting those in need and lessening their ability to live a decent life; now, therefore, be it

*Resolved* by the Senate and Assembly of the State of Nevada, Jointly, That the members of the 73rd Session of the Nevada Legislature urge Congress to preserve the Community Services Block Grant program as an independent program administered by the Department of Health and Human Services and to appropriate money for the program for Fiscal Year 2006 that meets or exceeds the funding level for Fiscal Year 2005; and be it further

*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Department of Health and Human Services, and each member of the Nevada Congressional Delegation; and be it further

*Resolved*, That this resolution becomes effective upon passage.

POM-124. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to "Amyotrophic Lateral Sclerosis Awareness Month"; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE RESOLUTION NO. 277

Whereas, Amyotrophic Lateral Sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, The initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, As ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so a patient remains alert and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55, and affects men two to three times more often than women; and

Whereas, More than 5,600 new ALS patients are diagnosed annually; and

Whereas, It is estimated that 30,000 Americans may have ALS at any given time; and

Whereas, On average, patients diagnosed with ALS survive two to five years from the time of diagnosis; and

Whereas, ALS has no known cause, prevention or cure; and

Whereas, "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" will increase public awareness of ALS patients circumstances, acknowledge the terrible impact this disease has on patients and families and recognize the research for treatment and cure of ALS; Therefore be it

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania recognize the month of May 2005 as "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" in Pennsylvania; and be it further

*Resolved*, That the House of Representatives urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM-125. A joint resolution adopted by the Legislature of the State of Utah relative to the federal No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE JOINT RESOLUTION NO. 3

Whereas, the state of Utah applauds the laudable goals proposed by the President and the United States Congress and articulated in the No Child Left Behind Act of 2002, those goals being to close the achievement gap and increased student performance;

Whereas, these are the same goals the state of Utah has pursued and continues to pursue under the Utah Performance Assessment System for Student (U-PASS), which accounts for individual student growth and the difference among our children;

Whereas, the stakeholders in public education in the state of Utah are more experienced and have a better understanding of the unique needs of Utah students, evident by the fact that the state has performed above the national average on the National Assessment of Educational Progress while maintaining the lowest per pupil expenditures in the nation;

Whereas, No Child Left Behind greatly expands the reach of the federal government into the education governance structure in Utah, bypassing critical stakeholders in the policymaking process and dealing directly with individual schools and districts, negating state and local board control and undermining the state's ability to meet its constitutional duty to provide a system of public education in Utah;

Whereas, prior to No Child Left Behind, the federal government's involvement in education in the state was focused primarily on a small percentage of students, commensurate, with the 7% contribution to the state's aggregate spending on K-12 education;

Whereas, No Child Left Behind greatly expands the authority of the U.S. Department of Education by impacting all students in the state, without a significant increased in its 7% contribution to the state, making the U.S. Department of Education's mandates on public education no longer commensurate with the resources it provided to Utah;

Whereas, federal funding for No Child Left Behind falls dramatically short of sufficient funds for remedial services for struggling students, and No Child Left Behind therefore requires substantial supplemental state funding;

Whereas, No Child Left Behind represents the greatest federal intrusion in the history of our nation, over what has historically been a right of the states, to direct public education in a way that best fits the needs of individual students;

Whereas, while No Child Left Behind was appropriately intended, it was nonetheless poorly designed, in that it is too punitive, too prescriptive, and sets unrealistic expectations that demoralize students and educators and confuse the general public;

Whereas, No Child Left Behind contains fundamental conflicts between competing federal education laws that govern the treatment of students with special needs, as well as between federal law and state statutory and constitutional requirements, and is built on inadequate methods for measuring student and school performance;

Whereas, No Child Left Behind may cause unintended consequences to Utah's education system in that it will redirect the allocation of resources, amend state and local curriculum, standards, and assessments, and do more damage in labeling Utah's schools and students than it does to improve student performance, making it a less effective method for Utah to measure student achievement;

Whereas, No Child Left Behind includes expectations for teacher qualifications that ignore realities in rural settings and in specialty assignments; and

Whereas, while No Child Left Behind includes provisions, such as Sections 9401 and 9527, that would protect states and provide regulatory relief from concerns raised about its shortcomings, there has been very little effort by the U.S. Department of Education to encourage or allow states to utilize these provisions: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah recognizes that the Legislature, the Utah State Board of Education, and local boards of education have an understanding of Utah's schools that surpasses that of federal government entities in terms of missions, needs, goals, and values of those schools; and be it further

*Resolved*, That the Legislature recognizes that the U-PASS should be the basis by which students and schools in Utah will be assessed and monitored; and be it further

*Resolved*, That the Legislature recognizes that in order to increase student achievement, Utah should utilize competency-measured education and student growth measurements as described in U-PASS and Utah State Senate bill 154, 2003 General Session; and be it further

*Resolved*, That the Legislature recognizes that the state should control its public education budget and allocate education dollars according to Utah's priorities and needs, driven by decision-making of local school boards; and be it further

*Resolved*, That the Legislature recognizes that until and unless the federal government substantially amends No Child Left Behind, extends waiver authority under Section 9401 to acknowledge that Utah is complying with the intent and spirit of the law through U-PASS, and that the federal government provides funding commensurate with what an independent analysis of implementation costs indicates is required to fully implement the law or the Congress significantly alters the law such that control of public education is fully restored to our state, Utah should utilize its own proven system of student accountability and reassert its historic

leadership role in providing a quality public education for its citizens; and be it further

*Resolved*, That a copy of this resolution be sent to the Utah State Board of Education, each of Utah's local boards of education, the United States Department of Education, and to the members of Utah's congressional delegation.

POM-126. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the Even Start Family Literacy Program; to the Committee on Health, Education, Labor, and Pensions.

#### HOUSE CONCURRENT RESOLUTION NO. 208

Whereas, the federal Even Start Family Literacy Program (Literacy Program) (Title I, Part B, subpart 3 of the Elementary and Secondary Education Act of 1965) was first authorized in 1988 with an appropriation of \$14,800,000; and

Whereas, the Literacy Program became state-administered in 1992 at which time the appropriation exceeded \$50,000,000; and

Whereas, the Literacy Program was most recently reauthorized by the Learning Involves Families Together (LIFT) Act of 2000 and the federal No Child Left Behind (NCLB) Act of 2001; and

Whereas, the Literacy Program offers hope for breaking the intergenerational cycle of poverty and poor literacy rates that afflict the nation by embracing the whole family as pupils and incorporating four core components as follows: early childhood education; adult literacy; parenting education; and interactive literacy activities between parents and their children;

Whereas, the Literacy Program is designed to help parents from low-income families improve their own education skills and vocational opportunities, making them more effective parents and improving the academic achievement of their young children, by: building on existing community resources of high quality; promoting the academic achievement of children and adults; incorporating research-based practices into the instructional programs for adults and children; promoting healthy relationships and interaction between children and adults; and helping children and adults meet the state's challenging content standards; and

Whereas, the Literacy Program at Blanche Pope Elementary School in Waimanalo and at other sites in Hawaii has successfully helped Literacy Program partners integrate their efforts into a more unified, effective, and accountable system than the previously fragmented adult and family-focused services; and

Whereas, the Literacy Program, such as the one at Blanche Pope Elementary School in Waimanalo, is a state-administered discretionary program; and

Whereas, the goals of raising quality and accountability in family education under the LIFT Act of 2000 and the NCLB Act of 2001 are being achieved in Hawaii; and

Whereas, the President of the United States, in his public comments and proposed budget to Congress, has expressed a loss of confidence in, or concern for, the Literacy Program; Now, therefore, be it

*Resolved* by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, that the Legislature urges the President of the United States, the United States Congress, and the United States Department of Education to continue funding the Even Start Family Literacy Program; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, Speaker of the United States House of Representatives,



President of the United States Senate, Secretary of the United States Department of Education, and Members of Hawaii's congressional delegation.

POM-127. A resolution adopted by the Senate of the Commonwealth of Pennsylvania relative to "Amyotrophic Lateral Sclerosis Awareness Month"; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE RESOLUTION NO. 96

Whereas, Amyotrophic Lateral Sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, The initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, As ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas, ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so a patient remains alert and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, ALS occurs in adulthood, most commonly between the ages of 40 and 70, with the peak age about 55, and affects men two to three times more often than women; and

Whereas, More than 5,000 new ALS patients are diagnosed annually; and

Whereas, On average, patients diagnosed with ALS survive two to five years from the time of diagnosis; and

Whereas, ALS has no known cause, prevention or cure; and

Whereas, "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" will increase public awareness of ALS patients' circumstances, acknowledge the terrible impact this disease has on patients and families and recognize the research for treatment and cure of ALS; Therefore be it

*Resolved*, That the Senate of the Commonwealth of Pennsylvania recognize the month of May 2005 as "Amyotrophic Lateral Sclerosis Awareness Month" in Pennsylvania; and be it further

*Resolved*, That the Senate urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research, and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM-128. A joint resolution adopted by the Legislature of the State of California relative to Equal Pay Day; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE JOINT RESOLUTION 7

Whereas, Forty-two years after the passage of the Federal Equal Pay Act of 1963 and forty-one years after the passage of Title VII of the Federal Civil Rights Act of 1964, American women continue to suffer disparities in wages that cannot be accounted for by age, education, or work experience; and

Whereas, According to statistics released in 2004 by the U.S. Census Bureau, year-round, full-time working women in 2003 earned only 76% of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and,

Whereas, A General Accounting Office report on women's earnings shows that there exists an inexplicable wage gap of approximately 20 percent between men and women, even after taking into account work experience, education, occupation, industry of current employment, and other demographic and job characteristics; and

Whereas, Since, the passage of the Equal Pay Act, the gap has narrowed by less than half, from 41 cents per dollar to 22 cents, and research by the Institute for Women's Policy Research finds that recent change is due in large part to men's real wages falling, not women's wages rising; and

Whereas, California ranks fifth among all states in equal pay, yet it ranks 39th among all states in progress in closing the hourly wage gap, and at the current rate of change California working women will not have equal pay for another 40 years; and

Whereas, The consequences of the wage gap reach beyond working women and extend to their families and the economy to the extent that; in 1999, even after accounting for differences, in education, age, location, and the number of hours worked, America's working families lost \$200 billion of annual income to the wage gap, with an average of \$4,000 per family; and

Whereas, Women play a crucial role in maintaining the financial well-being of their families by providing significant percentage of their household incomes and, in many cases, women head their own households; and

Whereas, Pay inequity results in a higher poverty rate for women, particularly in women-headed households, as evidenced by figures from the McAuley Institute which indicate that for families that are headed by a woman and have children under the age of five years, the poverty rate is an astonishing 46.4 percent; and

Whereas, Women currently comprise 48 percent of the labor force; and

Whereas, Educated women are not exempt from pay disparity; and

Whereas, In 2001 the average income for a woman with a bachelor's degree was 24 percent lower than that of a man with the same level of education—\$32,238 versus \$42,292; and

Whereas, The wage gap is also prevalent within minority communities, as shown by a 2002 report that African-American women earned 91 percent of what African-American men earned, and Hispanic women earned 88 percent of what Hispanic men earned; and

Whereas, Even in professions in which women comprise a majority of workers, such as nursing and teaching, men earn an average of 20 percent more than women working in these same occupations; and

Whereas, According to the data analysis of over 300 job classifications provided by the United States Department of Labor, Bureau of Labor Statistics, women are paid less in every occupational classification for which sufficient information is available; and

Whereas, The average 25-year-old woman who works fulltime, year round, is projected to earn \$523,000 less over the course of her career than the average 25-year-old man who works full time, year round; and

Whereas, If women were paid the same as men who work the same number of hours, have the same education and same union status, are the same age, and live in the same region of the country, then the annual family income, of each of these women would rise by \$4,000, and the number of families who live below the poverty line would be reduced by half; and

Whereas, The wage gap continues to affect women in their senior years as lower wages result in lower pensions and incomes after retirement, and affect a woman's ability to save, thereby contributing to a higher poverty rate for elderly women; and

Whereas, Half of all older women with income from a private pension receive less than \$5,600 per year, as compared with \$10,340 per year for older men; and

Whereas, Men live an average of 77 years and women live an average of 81.7 years; and

Whereas, Assuming men and women retire at age 65; men will rely on their state pensions to help them through 12 years of life, while a woman's pension will have to last 16.7 years; and

Whereas, There is a greater likelihood that a female worker would outlive her defined contribution plan; and

Whereas, It is estimated that it would cost a man \$654,000 to purchase an annuity based on 25 years of service and a \$6,000 final-month salary, while it would cost a woman over \$700,000 to purchase the same annuity with the same monthly benefits; and

Whereas, if both a man and a woman invested \$750,000 in this same annuity, it is estimated the women would receive a little under \$3,420 per month while the man would receive \$3,670, or a 7-percent difference: Now, therefore, be it

*Resolved*, by the Senate and the Assembly of the State of California, jointly, That the Legislature hereby declares April 19, 2004, to be "Equal Pay Day" in California and urges California citizens to recognize the full value and worth of women and their contributions to the California workforce; and be it further

*Resolved*, That the Legislature respectfully, urges the Congress of the United States to protect the fundamental right of all American women to receive equal pay, for equal work, and to continue to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM-129. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to the federal estate tax; to the Committee on Homeland Security and Governmental Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 94

Whereas, under tax relief legislation passed in 2001, the estate tax was temporarily phased out but not permanently eliminated; and

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death; and

Whereas, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time; and

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay estate taxes; and

Whereas, if the estate tax had been repealed in 1996, the United States economy would have realized billions of dollars each year in extra output, and an average of one hundred forty-five thousand additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and Senate, repeal of the estate tax holds wide bipartisan support; and therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the Congress of the United States of America to take such actions as are necessary to work to abolish the federal estate tax permanently; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-130. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to sending federal funds directly to the Arizona Legislature for appropriation and oversight; to the Committee on Homeland Security and Governmental Affairs.

#### HOUSE CONCURRENT MEMORIAL 2009

Whereas, the State of Arizona receives nearly \$6 billion in federal grant funds each year; and

Whereas, currently, the bulk of these federal funds that flow into state government are sent directly from federal agencies to state agencies and local governments; and

Whereas, the current system of distribution of federal funds gives the state legislature little input into how the funds are received, allocated or spent; and

Whereas, the direct allocation of federal funds, including funds that have been earmarked by the federal government for a specific purpose at the state level, to the legislature would give the legislature appropriation authority over those funds and would provide additional financial and programmatic information necessary to make more informed budgeting decisions. Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States send federal funds directly to the Arizona Legislature for appropriation and oversight.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-131. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the permanent repeal of the Federal Inheritance Tax; to the Committee on Homeland Security and Governmental Affairs.

#### HOUSE RESOLUTION 2

Whereas, under tax relief legislation passed in 2001, the Federal Inheritance Tax, or death tax, was temporarily phased out but not permanently eliminated;

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death;

Whereas, the death tax is particularly damaging to families who are working hard to accumulate wealth for the first time;

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes;

Whereas, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars each year in extra output and an average of 145,000 additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and the United States Senate, repeal of the death tax holds wide bipartisan support: Now Therefore, be it

*Resolved*, That the House of Representatives of the state of Utah requests that Utah's congressional delegation support, work to pass, and vote for the immediate and permanent repeal of the death tax; and be it further

*Resolved*, That a copy of this resolution be sent to the members of Utah's congressional delegation.

POM-132. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to authorizing state governors to proclaim that the United States flag be flown at half-staff upon the death of a member of the United States armed forces from their respective states who died on active duty; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 117

Whereas, according to Section 7 of Chapter 1 of Title 4 of the United States Code, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the national flag shall be flown at half-staff; and

Whereas, it is only fitting that the United States Code also authorize a state governor to proclaim that the flag shall be flown at half-staff upon the death of members of the United States armed forces from that state who have given their lives for their country; and

Whereas, the long-held tradition of lowering of the flag to half-staff in periods of recognition of the deceased would be an appropriate way to pay respect to the memories of these honorable men and women; and

Whereas, the valor displayed by fallen members of the military in the defense of democratic ideals and the right of free people to live in peaceful coexistence with their neighbors is a proud example of the American spirit in which all Louisianians take great pride; and

Whereas, flying the flag at half-staff would serve as a solemn and suitable reminder of the heroism of those who have made the ultimate sacrifice for freedom; and therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to amend the United States Code to authorize state governors to proclaim that the United States flag shall be flown at half-staff upon the death of a member of the United States armed forces from their respective states who died on active duty; and be it further

*Resolved*, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-133. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to the amending the Constitution of the United States concerning marriage; to the Committee on the Judiciary.

#### HOUSE CONCURRENT MEMORIAL 2005

Whereas, the union of man and woman in marriage has been recognized as the foundation of society since the beginning of time; and

Whereas, marriage between one man and one woman substantially and undeniably benefits the individuals involved, any children resulting from the union and society at large; and

Whereas, the founders of our country decreed marriage between a man and a woman to be "the highest and most blessed of relationships"; and

Whereas, nearly three-fourths of the states already have enacted laws to define marriage as being only between a man and a woman and the federal government enacted the Defense of Marriage Act in 1996; and

Whereas, seventeen states have adopted amendments to their constitutions to protect the definition of marriage as being only between a man and a woman; and

Whereas, the people of the State of Arizona view with growing concern attempts to change the definition of marriage through judicial action, including, most recently, rulings by the courts in Canada, the Commonwealth of Massachusetts and the State of Washington; and

Whereas, in addition to simply stating that marriage in the United States consists of the union of a male and a female, an amendment to the Constitution of the United States ensures the democratic process by allowing the states to establish their own policy in the area of marital benefits, including privileges associated with marriage.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That, pursuant to article V of the Constitution of the United States, the Congress of the United States propose an amendment to the Constitution of the United States, to be ratified by the legislatures or by conventions in three-fourths of the several states, stating that marriage in the United States shall consist only of the union of a man and a woman.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-134. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to the support of the United States Senate for the President's Supreme Court nominees; to the Committee on the Judiciary.

#### HOUSE RESOLUTION 4

Whereas, Article II, Section 2 of the United States Constitution states the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States";

Whereas, there is a high likelihood of at least one vacancy on the United States Supreme Court during the 109th Congress;

Whereas, activist judges on some federal courts have frustrated the constitutional structure which prescribes that laws shall be written by elected legislatures;

Whereas, President Bush has expressed his commitment to appoint federal judges who will strictly interpret the United States Constitution; and

Whereas, in the past, a minority of Senators has used dilatory tactics to prevent a Senate floor vote on several of President Bush's judicial nominees, all of whom were reported favorably by the United States Senate Committee on the Judiciary; and now, therefore, be it

*Resolved*, That the House of Representatives of the state of Utah requests that the United States Senate move quickly to confirm all presidential nominations to the United States Supreme Court; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate and to the members of Utah's congressional delegation.

POM-135. A joint resolution adopted by the Legislature of the State of Maine relative to allowing Poland's citizens to travel in the United States without visas; to the Committee on the Judiciary.

#### JOINT RESOLUTION

Whereas the visa waiver program was established under 8 United States Code, Section 1187 to provide under certain conditions a visa waiver to citizens of certain countries; and



Whereas 8 Code of Federal Regulations, Section 217.2 (2005) delineates the specific requirements of the visa waiver program, including the list of countries whose citizens may take advantage of its provisions; and

Whereas the list of countries allowed to have the visa requirement waived includes Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland and the United Kingdom; and

Whereas citizens from Poland are still required to go through the visa process, despite the change in circumstances of that nation during the last 15 years and its being a staunch ally of the United States; and

Whereas since the breakup of the Soviet Union, Poland has been a free and democratic nation and is a member of the North Atlantic Treaty Organization, known as NATO, and is an indispensable ally to our own Nation, actively participating in Operation Iraqi Freedom and the Iraqi reconstruction with troops serving alongside American soldiers; and

Whereas the President of the United States, George W. Bush, and other high-ranking officials in our government have described Poland as one of our best allies; and

Whereas many Polish citizens wanting to visit the United States are relatives of American citizens and they face major impediments in the visa process, while Americans going to Poland have had the visa requirement waived for them since 1991; and

Whereas in view of the enormous strides that Poland has made in democratic reform and the new status of Poland as a major ally of the United States, as firm and staunch as our oldest allies who have had the visa requirement waived: Now, therefore, be it

*Resolved*, That We, your Memorialists, respectfully urge that Poland be included in the United States Department of Homeland Security's visa waiver program as codified in 8 Code of Federal Regulations, Section 217.2; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the United States Secretary of Homeland Security, the Speaker of the United States House of Representatives and the President of the United States Senate and to each Member of the Maine Congressional Delegation.

POM-136. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to conferring veterans' benefits on Filipino veterans of World War II; to the Committee on Veterans' Affairs.

#### HOUSE CONCURRENT RESOLUTION 249

Whereas approximately 142,000 Philippine nationals were inducted into the United States armed forces in 1941, when their country was under American control; and

Whereas Filipino soldiers fought bravely beside American troops to restore liberty and democracy to their homeland by volunteering as spies, serving as guerrillas in the jungles, and fighting in American units in the war against Japan; and

Whereas these soldiers exhibited great courage at the battles of Corregidor and Bataan, and their bravery and self-sacrifice contributed to the Allied victory in World War II; and

Whereas the United States promised Filipino soldiers the same benefits as American soldiers, then rescinded that promise five years later; and

Whereas the Legislature finds that the United States should honor its promise to the Filipino veterans; and

Whereas Filipino interest groups estimate that there are approximately 58,000 Filipino World War II veterans still alive, 12,000 of them living in the United States; and

Whereas time is running out for the United States to correct the injustice committed against Filipino World War II veterans as most are now elderly and frail, and approximately eight die per day based on 2004 mortality statistics from the United States Department of Veterans Affairs; and

Whereas there are several measures pending in Congress that propose to confer veterans' benefits on Filipino veterans of World War II; and

Whereas these legislative measures include S. 146, H.R. 302, and H.R. 170; and

Whereas S. 146 and H.R. 302, (Filipino Veterans Equity Act of 2005), amend Title 38 of the United States Code to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to be active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; and

Whereas under H.R. 170, (Filipino Veterans Fairness Act) Filipino World War II veterans who became United States citizens or legal aliens are entitled to service-connected disability payments, vocational rehabilitation, and housing loans; Filipino World War II veterans residing in the Philippines are entitled to out-patient health care; and veterans' spouses and dependents are entitled to educational and vocational assistance; and

Whereas passage of these measures will mean official recognition of Filipino veterans as American veterans, who will become eligible for veterans' benefits such as health care, disability compensation, pension, burial, housing loans, education, and vocational rehabilitation: Now, therefore, be it

*Resolved* by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, that the United States Congress is urged to support and pass legislation conferring veterans' benefits on Filipino World War II veterans; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's delegation to the Congress of the United States.

POM-137. A resolution adopted by the Lexington-Fayette Urban County Government, relative to the Community Development Block Grant Program; to the Committee on Banking, Housing, and Urban Affairs.

POM-138. A resolution adopted by the Municipal Legislature of Moca, Puerto Rico relative to the opposition of the elimination of the Community Development Block Grant Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

POM-139. A resolution adopted by the City Council of the City of Oceanside, California relative to the funding of Amtrak; to the Committee on Commerce, Science, and Transportation.

POM-140. A resolution adopted by the Passaic County (New Jersey) Board of Chosen Freeholders relative to the Passaic River Restoration Initiative; to the Committee on Environment and Public Works.

POM-141. A resolution adopted by the Mayor and Municipal Council of the City of Clifton, New Jersey relative to the Passaic River Restoration Initiative; to the Committee on Environment and Public Works.

#### REPORTS OF COMMITTEES

Under the authority of the order of the Senate of January 4, 2005, the fol-

lowing reports of committees were submitted on June 10, 2005:

By Mr. BURNS, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2361. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109-80).

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions:

\*Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCAIN (for himself and Mr. LIEBERMAN):

S. 1268. A bill to expedite the transition to digital television while helping consumers to continue to use their analog televisions; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE (for himself, Mrs. LINCOLN, Mr. CRAPO, Mr. BOND, Mr. CHAMBLISS, Mr. COCHRAN, Mr. ISAKSON, Mr. THOMAS, Mr. HAGEL, Mr. CRAIG, and Mr. ROBERTS):

S. 1269. A bill to amend the Federal Water Pollution Control Act to clarify certain activities the conduct of which does not require a permit; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 1270. A bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 1271. A bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. NELSON of Nebraska:

S. 1272. A bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs.

By Mr. REID:

S. 1273. A bill to provide for the sale and adoption of excess wild free-roaming horses and burros; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated: